IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 716 OF 1990

State of Maharashtra .. Appellant

versus

M/s.Mehra Shewale & 4 ors .. Respondents

...

Mr.D.P. Adsule, APP for the State.

None for the respondents.

CORAM : V.M. KANADE, J

DATED : 24th November 2004.

ORAL ORDER :-

1. Heard the learned APP appearing on behalf of the State. None appears for the respondent.

2. The State is challenging the judgement and order passed by Addl. Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai. By the said judgement and order dated 27th September 1989, the ACMM 3rd Court, Esplanade, Mumbai had in Criminal Case no.19/W/1986 had imposed fine of Rs.30,000/- each on

accused nos.1 and 2 and Rs.20,000/- on accused no.3 and Rs.15,000/- on accused nos.4 and 5 and they were sentenced to suffer Imprisonment till the rising of the Court. The allegation against the respondent accused was that they had committed a breach of the condition imposed permitting them to import acrylic fibres which was to be converted into yarn. Instead of converting the same into yarn, the accused had converted into shawls and carpets and therefore, they had committed breach of the conditions imposed in the licence to import the said goods. The accused pleaded guilty and in their defence have stated that the purpose for which the yarn was carried could not be sent to Amritsar as there was a disturbance in the said area at the relevant time and therefore, instead of converting into knitting yarn, they were forced to manufacture the carpets and shawls out of the knitting yarn. The trial Court has given cogent reason for awarding the sentence and has imposed heavy fine on the accused. More than 15 years have passed after the said judgement is delivered by the trial Court. I do not see any reason to interfere in the said order. The view taken by the trial Court is not a perverse view. No case is made out for the enhancement of the sentence.

3. Appeal is dismissed.

V.M. KANADE, J